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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,885	03/18/2004	Hubert Bellm	03869-105002	8199

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EXAMINER	
KASENGE, CHARLES R	
ART UNIT	PAPER NUMBER
2121	

NOTIFICATION DATE	DELIVERY MODE
11/24/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomailnyc@kslaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/804,885	BELLM ET AL.	
	Examiner	Art Unit	
	CHARLES R. KASENGE	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/28/08*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,13-23,25,27-31,33,34 and 36-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,13-23,25,27-31,33,34 and 36-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 8/28/08, with respect to the rejection(s) of claim(s) 11, 13-23, 25, 27-31, 33, 34 and 36-39 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Miyoshi et al. U.S. Patent 5,900,259 and Brown et al. U.S. Patent 5,209,889.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 25 recites the limitation "the evaluated actual values" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 11, 13, 16-21, 23, 25, 27-31, 33, 34 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyoshi et al. U.S. Patent 5,900,259 in view of Brown et al. U.S. Patent 5,209,889.

7. Regarding claims 11, 25, 29-31, 34 and 36-39, Miyoshi discloses a method for monitoring a control process executed by a control unit for an injection-molding process, the method comprising the steps of: (a) acquiring, using at least one sensor (Fig. 2-5, S1-S3), actual values of at least one process variable of the injection-molding process, the actual values of the at least one process variable comprising at least one selected from the group consisting of temperature, pressure, feed rate, and rotational speed (col. 11, lines 39-43); and (b) transmitting the acquired actual values of the at least one process variable to the control process and transmitting the acquired values from the control process to a monitoring process executed by a computer (col. 4, lines 33-38) for monitoring the control process (col. 11, lines 39-43); (c) evaluating the transmitted actual values (col. 11, lines 39-54), (d) determining based on the evaluated actual values, at least one setpoint value comprising at least one selected from the group consisting of temperature variations, pressure variations, feed rate variations, and rotational speed variations (col. 11, lines 55-58; col. 13, lines 55-60), and (e) transmitting the at least one setpoint value to the control wherein monitoring the control (col. 9, lines 30-39), evaluating the transmitted actual values and determining the at least one setpoint value are performed by the computer (col. 4, lines 33-38; col. 15, lines 20-31).

Regarding claims 11, 18, 25, 31 and 38, Miyoshi does not expressly discloses a step of receiving at the computer at least one input from an operator and sending the received at least one input to the control process virtually in parallel with the execution of the monitoring process.

Brown discloses a step of receiving at a computer at least one input from an operator and sending the received at least one input to a control process virtually in parallel with any stage of the injection molding process (col. 8 and 9, lines 64-12).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to allow the operator to provide input(s), such as turning off the machine, virtually in parallel with a monitoring process. One of ordinary skill in the art would have been motivated to do this since Brown discloses sending the input at any stage of the injection molding process.

Therefore, it would have been obvious to modify Miyoshi and Brown to obtain the invention as specified in claim 11, 18, 25, 31 and 38.

Regarding claims 13, 27, and 33, Miyoshi discloses the method according to claim 10, further comprising the step of receiving at the computer at least one output from the control and sending the received at least one output to an operator (section D) virtually in parallel with the execution of the monitoring of an injection-molding process (col. 12, lines 45-48).

Regarding claims 16, 19, 23 and 28, Miyoshi discloses the method according to claim 10, wherein the control comprises a software process, the software process executed by the computer under an operating system comprising real-time capability, the software process executing virtually in parallel with transmitting the actual values acquired by the control to the computer for monitoring (col. 11, lines 39-59).

Regarding claim 17, Miyoshi discloses the method according to claim 10, wherein the monitoring is carried out using a computer program, the computer program executed on the computer (col. 13, lines 4-8).

Regarding claim 20, Miyoshi discloses the system according to claim 18, wherein the computer is configured for receiving at least one operator input and for passing the at least one operator input to the control unit (Fig. 2-5).

Regarding claim 21, Miyoshi discloses the system according to claim 18, wherein the computer comprises a first computer program for monitoring the received actual values associated with the injection-molding process and a second computer program for sending at least one output received from the control unit to the operator, and wherein the second computer program sends at least one input received from the operator to the control unit (Fig. 2-5).

8. Claims 14, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyoshi and Brown as applied to the claims above. Miyoshi or Brown do not explicitly disclose receiving and sending input or output is executed by the computer under an operating system comprising non-real-time capabilities.

Official notice is taken that non real-time systems are well known at the time the invention was made in the analogous art of data processing.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the operator distribute the input/output data not in real time. One of ordinary skill in the art would have been motivated to do this in order to give the operator time to review the data before it influences the control process.

Therefore, it would have been obvious to modify Miyoshi and Brown to obtain the invention as specified in claims 14, 15 and 22.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES R. KASENGE whose telephone number is (571)272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
November 19, 2008

/Charles R Kasenge/
Examiner, Art Unit 2121